

## **REMARKS**

### **Status of Claims**

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 9, 11, 12, 14, 15, 17, 18, 32, 34-39 and 41-49 are currently pending;
- No claims are canceled herein;
- Claims 9, 11, 14, 15, 17, 18, 32, 34, 36, 38, 39, 41, 43, 45, 47 and 48 are amended herein;
- No new claims are added herein; and
- Claims 9, 32, 41 and 47 are independent.

Support for the amendments to the claims is found in the specification, for example, at least at paragraphs 0006, 0007, 0020, 0041 and 0045-0050 of Applicant's published application, US2005/0202875.

### **Claim 17 Complies with § 112, First Paragraph**

Claim 17 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claim 17, as shown above. The amendments are fully supported at least at paragraphs 0006,

0007 and 0020 of Applicant's published application, US2005/0202875. Applicant respectfully submits that these amendments render the § 112, first paragraph rejection moot.

### **Claim 11 Complies With § 112, Second Paragraph**

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without acquiescing in the propriety of the Office's rejections, Applicant herein amends claim 11, as shown above. The amendments are fully supported at least at paragraphs 0045-0046 of Applicant's published application, US2005/0202875. Applicant respectfully submits that the amendment renders the § 112, second paragraph rejection moot.

### **Cited Documents**

The following documents have been applied to reject one or more claims of the Application:

- **Sakaguchi:** Sakaguchi, U.S. Patent Application Publication No. 2001/0009868
- **Aim'3/11/01:** AOL Instant Messenger,  
<http://www.aol.com.au/site/website/aolproducts/aim/help.php> March 11, 2001
- **Shambroom:** Shambroom, U.S. Patent No. 5,923,756
- **Aim'2/2/02:** AOL Instant Messenger,  
<http://www.aol.com.au/site/website/aolproducts/aim/help.php> February 2, 2002
- **Heredia:** Heredia, U.S. Patent No. 6,241,612

- **Nishiumi:** Nishiumi, U.S. Patent No. 6,001,015
- **Randall Whitten:** Randall Whitten, U.S. Patent Application Publication No. 2002/0128068

### **Claim Rejections under 35 U.S.C. § 103(a)**

Claims 9, 15, 17, 32, and 37-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01 and in view of Shambroom. Claims 11, 14, 34, and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01 in view of Shambroom, and further in view of Aim'2/2//02. Claims 12, 35, 43, and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01 and Shambroom, and further in view of Heredia as supported by Applicant's Specification. Claims 18 and 47 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01 and Shambroom, and further supported by Nishiumi. Claims 44-45 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01 and Shambroom and further in view of Randall Whitten. Claims 41-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in Aim'3/11/01, in view of Shambroom, in further view of Randall Whitten, and supported by Nishiumi, and in view of Heredia and as supported by Applicant's specification. Claims 48-49 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sakaguchi in view of Aim'3/11/01, Shambroom and supported by Nishiumi and further in view of Heredia as supported by Applicant's Specification. Applicant respectfully traverses these rejections, and requests reconsideration and withdrawal of the rejections for the following reasons.

Independent Claims 9 and 32

Applicant submits that the combination of Sakaguchi with Aim'3/11/01, Shambroom, Aim'2/2/02, Heredia, Nishiumi, Randall Whitten and/or the other art of record does not teach or suggest at least the following elements, as recited in amended independent claim 9 (with emphasis added):

***identifying at least one user account present on the dedicated game console for a user during use by the user of an offline game title on the dedicated game console;***

***determining that automatic sign-in is enabled on the dedicated game console for the at least one user account identified, wherein, when more than one user account is identified with automatic sign-in enabled, a most recently signed in user account is identified as a specific user account for signing in; and***

***automatically silently signing in the specific user account onto an online service without requiring action by the user of the offline game title on the dedicated game console for effecting the signing in,*** wherein the silently signing in comprises:

opening a secure communication channel between the dedicated game console and a security gateway of a secure data center;

transmitting data packets between the dedicated game console and the secure data center via the security gateway;

registering a presence of the specific user account with a presence server inside the secure data center; and

***responsive to registering the presence of the specific user account, providing the user of the offline game title on the dedicated game console with access to online services available from the secure data center during use of the offline game title.***

At pages 4-5 of the Office Action, it is asserted that Sakaguchi discloses

“determining if at least one user account is present on the dedicated game console”

(citing paragraphs 16, 37, 39 and 43 of Sakaguchi), and it is further asserted that the

“user can play an offline dedicated game program on the game console (citing paragraph 0038) or play a comic game offline on the game console” (citing paragraph 0105). However, Applicant respectfully notes that the cited portions of Sakaguchi merely describe the following:

[0016] According to a second aspect of the invention, on the other hand, there is provided a computer-readable recording medium stored with a program for realizing a method for controlling communications between a game server and a game terminal through a network, wherein said computer is programmed under the control of said game server, to assign identification information individually to said game terminal and to administer the game space positional information of a player of said game terminal, as participating in the game, individually with the identification information; to discriminate those of said game terminal participating in the game which are receiving other services concurrently through the network, with a notice from said game terminal; to add, where there is said discriminated game terminal, information specifying said other services to the game space positional information of the player of said game terminal; and to feed said game terminal participating in the game, with said administered game space positional information of the player and the information specifying said other services, and under the control of said game terminal, to display the service utilization of another player on the basis of the game space positional information of the another player, as fed from said game server, and the information specifying the other services; to accept a demand for other services in response to the operation of the player participating in the game; and to receive, when the demand for said other services is accepted, said other services through said network while executing the game on the background, and informing said game server of that said other services are being received (Sakaguchi, par. 0016 – emphasis added).

[0037] Here will be further described the individual devices. Each game terminal 1 is provided with a recording medium 11, in which there are recorded a game program 11A, a browser 11B, identification information 11C necessary for the user authentication, and so on. The recording medium 11 may be exemplified by a hard disk (Sakaguchi, par. 0037 – emphasis added).

[0038] Here, the recording medium 11 may be fed with the game program 11A from a disk medium such as a CD-ROM, a DVD or a

floppy disk. The game program 11A indicates an online dedicated game program or an offline dedicated game program. The browser 11B functions to control the screens, the communications, and so on, so that it can concurrently provide a plurality of services online (Sakaguchi, par. 0038 – emphasis added).

[0039] Moreover, the identification information 11C is a user ID for identifying the user. This identification information 11C is utilized, when each service is received, for identifying a legal user. From this identification information 11C, on the other hand, it can be recognized on the game server side that a connection is made with the network (Sakaguchi, par. 0039).

[0043] The services informing whether or not the users are being connected to the network are already provided by the major business nets or the like, as exemplified by the techniques of the ICQ or the instant messaging. In this invention, it is possible to provide the environment, in which the service utilization between the users can be known on the game space, and to make a direct contact with a desired player by a communication function 24. This function to make the direct contact will be called the "knock function" (Sakaguchi, par. 0043).

[0105] Where the game is restored in response to the knock while the comics are being read, on the other hand, it may be recorded that the comics have been read midway on the side of the game terminal 1. In this case, the reading may be restarted later from the remainder by the authentication or the like. If the comics are read offline by downloading them, they can be reopened later from the remainder. Specifically, all the data are downloaded from the comics server 3, and the display is changed by sequentially turning over the pages. Then, the comics can be read later from the remainder (Sakaguchi, par. 0105).

From a review of the foregoing portions of Sakaguchi, and the remainder of Sakaguchi, Applicant has been unable to discern any portion of Sakaguchi that teaches or suggests ***identifying at least one user account present on the dedicated game console for a user during use by the user of an offline game title on the dedicated game console, or determining that automatic sign-in is enabled on the dedicated game console for the at least one user account identified, wherein, when more***

***than one user account is identified with automatic sign-in enabled, a most recently signed in user account is identified as a specific user account for signing in***, as recited in Applicant's claim 9. Instead, Sakaguchi merely describes that the "computer is programmed under the control of said game server, to assign identification information individually to said game terminal and to administer the game space positional information of a player of said game terminal, as participating in the game, individually with the identification information" (Sakaguchi, par. 0016 – emphasis added). Applicant respectfully submits that this portion of Sakaguchi merely indicates that the identification information is used by the game server and does not teach or suggest ***identifying at least one user account present on the dedicated game console for a user during use by the user of an offline game title on the dedicated game console***. Furthermore, there is no teaching in the above-cited portions of Sakaguchi, or the remainder of Sakaguchi of ***determining that automatic sign-in is enabled on the dedicated game console for the at least one user account identified, wherein, when more than one user account is identified with automatic sign-in enabled, a most recently signed in user account is identified as a specific user account for signing in***, as also recited in Applicant's claim 9. The Office Action has failed to point to any portion of Sakaguchi or the other art of record that teaches or suggests these clauses of Applicant's claim 9.

Additionally, from a review of the foregoing portions of Sakaguchi, and the remainder of Sakaguchi, Applicant has been unable to discern any portion of Sakaguchi that teaches or suggests ***automatically silently signing in the specific user account onto an online service without requiring action by the user of the offline game***

***title on the dedicated game console for effecting the signing in, or responsive to registering the presence of the specific user account, providing the user of the offline game title on the dedicated game console with access to online services available from the secure data center during use of the offline game title***, as recited in Applicant's claim 9. Instead, Sakaguchi merely describes that a "game program 11A indicates an online dedicated game program or an offline dedicated game program" (Sakaguchi, par. 0038). Furthermore, Sakaguchi clearly states that his invention "*relates to an online-composite servicing method for providing other services concurrently with the execution of an online game*" (Sakaguchi, par. 0003 – emphasis added). On the other hand, Applicant's claim 9 is directed to automatic silent sign in during use of an offline game title. For example, since Sakaguchi provides services during execution of an online game, the user of Sakaguchi is already signed in, as discussed, for example, at paragraph 0036 of Sakaguchi. Accordingly, Applicant respectfully submits that there is no teaching or suggestion in the cited portions of Sakaguchi, or elsewhere in Sakaguchi, of ***automatically silently signing in the specific user account onto an online service without requiring action by the user of the offline game title, or providing the user of the offline game title on the dedicated game console with access to online services***, or the other elements of the above-emphasized clauses of Applicant's claim 9.

The Office Action further asserts at page 6 that AIM'3/11/01 makes up for the deficiencies in Sakaguchi, citing the auto-login feature discussed at page 2 of AIM'3/11/01. However, Applicant respectfully notes that page 2 of AIM'3/11/01 merely describes the following:



When you select "Save Password", you will also have the option to select the "Auto-login" box. With "Save Password" and "Auto-login" both selected, you will automatically be signed on to AOL Instant Messenger whenever you double-click on the AOL Instant Messenger icon on your desktop (AIM 3/11/01, page 2, lines 39-41 – emphasis added).

Thus, when the user of AIM double clicks the AIM icon, the AIM user is intending to go online, because an instant messaging service is only useful if the user is online and able to send and receive instant messages online. On the other hand, according to Applicant's claim 9, **a specific user account** is automatically silently signed in to an online service without requiring action by the user of the offline game title during use of the offline game title. Accordingly, AIM 3/11/01 fails to teach or suggest **automatically silently signing in the specific user account onto an online service without requiring action by the user of the offline game title on the dedicated game console for effecting the signing in**, as recited in Applicant's claim 9, and thus, combining AIM'3/11/01 with Sakaguchi cannot be said to teach or suggest this clause.

Furthermore, AIM'3/11/01 also does not teach or suggest **identifying at least one user account present on the dedicated game console for a user during use by the user of an offline game title on the dedicated game console, or determining that automatic sign-in is enabled on the dedicated game console for the at least one user account identified, wherein, when more than one user account is identified with automatic sign-in enabled, a most recently signed in user account is identified as a specific user account for signing in, or responsive to registering the presence of the specific user account, providing the user of the offline game**

***title on the dedicated game console with access to online services available from the secure data center during use of the offline game title***, as also recited in Applicant's claim 9. Thus, since neither Sakaguchi, nor AIM'3/11/01 teach or suggest the elements of these clauses, as pointed out above, the combination Sakaguchi and AIM'3/11/01 also does not teach or suggest these clauses.

Shambroom and the other art of record fail to make up for the shortcomings in AIM 3/11/01 pointed out above. For example, Shambroom describes

Establishing the secure network connection between the client and the network server can use the Secure Sockets Layer (SSL) protocol. Obtaining client-authenticating information and securing the network connection between the network server and the destination server can use the Kerberos authentication protocol. Access to the destination server by authenticated users can be controlled by access control lists on the destination server (Shambroom, col. 5, lines 28-35).

However, Shambroom does not teach or suggest the above-emphasized clauses of Applicant's claim 9. Instead, Shambroom is merely concerned with the specifics of establishing a secure connection. The other art of record is similarly deficient in teaching or suggesting the above-emphasized clauses of Applicant's claim 9.

Applicant has shown above by direct quotation that the cited portions of Sakaguchi and AIM'3/11/01 are very different on their faces from the above-emphasized clauses of Applicant's claim 9. Accordingly, insofar as that the combination of Sakaguchi and AIM'3/11/01 does not teach or suggest at least the above-emphasized clauses of Applicant's claim 9, and insofar as that the Examiner has provided no objectively verifiable evidence as to how Sakaguchi and AIM'3/11/01 could be modified

and/or combined to teach at least the above-emphasized clauses of claim 9, Applicant respectfully points out that the documents cited by the Examiner do not establish a *prima facie* case of unpatentability of claim 9.

Furthermore, given that Applicant has shown above what Sakaguchi and AIM'3/11/01 actually recite, Applicant respectfully points out that Applicant's Application is the only objectively verifiable Examiner-cited document of record that discloses what the Examiner purports Sakaguchi and AIM'3/11/01 to disclose. From this, and the express recitations of Sakaguchi and AIM'3/11/01, as set forth above, it follows that the Examiner is inadvertently interpreting Sakaguchi and AIM'3/11/01 through the lens of Applicant's Application, which is impermissible hindsight. Thus, the Examiner's assertions regarding Sakaguchi and AIM'3/11/01 as teaching Applicant's claim 9 are untenable for at least the foregoing reasons.

In view of the foregoing, Applicant respectfully submits that claim 9 is allowable over Sakaguchi, Aim'3/11/01, Shambroom, Aim'2/2/02, Heredia, Nishiumi, Randall Whitten and/or the other art of record, and is in condition for allowance. Accordingly, for at least the foregoing reasons, Applicant respectfully asks the Examiner to reconsider and withdraw the rejection of claim 9 and issue a Notice of Allowance of same.

Independent claim 32 includes subject matter similar to that discussed above with reference to claim 9, and is allowable under a similar rationale. Accordingly, for at least the foregoing reasons, Applicant respectfully asks the Examiner to hold independent claim 32 allowable and to issue a Notice of Allowance of same.

Independent Claim 41

Independent claim 41 includes limitations similar to claim 9 discussed above, and is allowable under a similar rationale. Further, Applicant submits that the combination of Sakaguchi with Aim'3/11/01, Shambroom, Aim'2/2/02, Heredia, Nishiumi, Randall Whitten and/or the other art of record does not teach or suggest at least the following additional elements, as recited in amended independent claim 41 (with emphasis added):

... coupling a controller to one of a plurality of controller support subassemblies of the dedicated game console, wherein the dedicated game console comprises:

a video processing pipeline for graphics processing, the video processing pipeline comprising a three-dimensional graphics processing unit, a video encoder, and a digital video bus configured to carry data from the three-dimensional graphics processing unit to the video encoder; and

the plurality of controller support subassemblies, each controller support subassembly supporting a plurality of controllers;

***following coupling of the controller to one of the plurality of controller support subassemblies, determining, by the dedicated game console, that a memory unit of the controller includes specific user account information corresponding to a specific user account of a user of an offline game title;***

***as a result of determining that the memory unit of the controller includes specific user account information corresponding to the specific user account, silently signing in the specific user account onto an online service during use of the offline game title, wherein the silently signing in comprises:***

opening a secure communication channel between the dedicated game console and a security gateway based on a security ticket obtained from a key distribution center;

establishing a security key configured to encrypt data transferred between the dedicated game console and the security gateway;

transmitting data packets between the dedicated game console and a secure data center, the data center accessible via the security gateway;

registering a presence of the specific user account by a presence server inside the secure data center;

responsive to registering the presence of the specific user account, providing a user of the dedicated gaming console with access to an online service available from the secure data center;

***after the signing in, providing the user of the offline game title access to a friends list comprising a name of friends, an online or offline status of each one of the friends, a game each one of the friends is playing, and a voice-enabled status of each one of the friends by displaying a menu generated by the offline game title running on the dedicated gaming console; and***

***after the signing in, transmitting voice data and other data in data packets between the gaming device and the secure data center, wherein the data packets transmitting voice data are partially encrypted so that the voice data remains unencrypted and the other data is encrypted.***

At page 18 of the Office Action, it is asserted that it would have been obvious “to correspond specific user account information to a controller coupled to one of the plurality of controller support assemblies as discussed in claim 18 and supported by Nishiumi.” However, Applicant respectfully notes that cited portions of Nishiumi (col. 10, lines 29-65) merely describe the following:

The exemplary expansion device 50, shown in FIG. 9, is a back-up memory card 50. Memory card 50 may, for example, include a RAM device 51, on which data can be written to and read from desired indicated addresses appearing on an address bus and a battery 52 which supplies the back-up power necessary to store data in the RAM device 51. By connecting this back-up memory card 50 to expansion (toy port) connector 46 in the controller 40, it becomes possible to send data to and from RAM 51 since it is electrically connected with the joy port control circuit 446 (Nishiumi, col. 10, lines 29-38).

The memory card 51 and game controller connector 46 provide the game controller and the overall video game system with enhanced flexibility and function expandability. For example, the game controller, with its memory card, may be transported to another player's video game system console. The memory card

may store and thereby save data relating to individual achievement by a player and individual, statistical information may be maintained during game play in light of such data. For example, if two players are playing a racing game, each player may store his or her own best lap times. The game program may be designed to cause video processing device 10 to compile such best lap time information and generate displays indicating both statistics as to performance versus the other player and a comparison with the best prior lap time stored on the memory card. Such individualized statistics may be utilized in any competitive game where a player plays against the video game system computer and/or against opponents. For example, with the memory card, it is contemplated that in conjunction with various games, individual statistics relating to a professional team will be stored and utilized when playing an opponent who has stored statistics based on another professional team such as a baseball or football team. Thus, RAM 51 may be utilized for a wide range of applications including saving personalized game play data, or storing customized statistical data, e.g., of a particular professional or college team, used during game play (Nishiumi, col. 10, lines 39-65 – emphasis added).

From a review of the foregoing portions of Nishiumi, and the remainder of Nishiumi, Applicant has been unable to discern any portion of Nishiumi that teaches or suggests ***following coupling of the controller to one of the plurality of controller support subassemblies, determining, by the dedicated game console, that a memory unit of the controller includes specific user account information corresponding to a specific user account of a user of an offline game title, or as a result of determining that the memory unit of the controller includes specific user account information corresponding to the specific user account, silently signing in the specific user account onto an online service during use of the offline game title,*** as recited in Applicant's claim 41. Instead, Nishiumi merely describes that the "memory card may store and thereby save data relating to individual achievement by a player and individual, statistical information may be maintained during game play in light

of such data” (Nishiumi, col. 10, lines 44-47). There is no indication here, or elsewhere in Nishimui of ***determining, by the dedicated game console, that a memory unit of the controller includes specific user account information corresponding to a specific user account of a user of an offline game title, or as a result of determining that the memory unit of the controller includes specific user account information corresponding to the specific user account, silently signing in the specific user account onto an online service during use of the offline game title,*** as recited in Applicant’s claim 41. The Office Action has failed to point to any portion of Nishiumi or the other art of record that teaches or suggests these clauses of Applicant’s claim 41. Accordingly, claim 41 is allowable over the art of record for these additional aspects.

Additionally, the Office Action has failed to cite to any prior art that teaches or suggests ***after the signing in, providing the user of the offline game title access to a friends list comprising a name of friends, an online or offline status of each one of the friends, a game each one of the friends is playing, and a voice-enabled status of each one of the friends by displaying a menu generated by the offline game title running on the dedicated gaming console,*** as also recited in Applicant’s claim 41. At page 18, the Office Action asserts that “it would have been obvious to provide user access to a friends list and transmit voice data and other data as data packets as claimed since it is well known in the art [to] provide voice chat service as indicated by Heredia and provide different types of encryption schemes as supported by Applicant’s Specification”, citing the rejections of claims 12 and 43. In particular, with respect to the rejection of claim 43, the Office Action cites Sakaguchi FIG. 6c as

teaching the elements of this claim. However, Applicant respectfully notes that with respect to FIG. 6c, Sakaguchi merely describes the following:

[0069] With reference to FIGS. 6A to 6C, here will be described the knocking action from Player CCCC to Player AAAA. In this state, Player AAAA is receiving the comics services, as shown in FIG. 4A, but Player CCCC is seeing the ship coming to the harbor, as shown in FIG. 6A (Sakaguchi, par. 0069).

[0072] Here, it is assumed that the members are selected in advance. The members are assumed to be composed of four Players AAAA, BBBB, CCCC and DDDD. In the screen of the game terminal 1 of Player CCCC, therefore, there are displayed an inquiry "Whom Knock to", the identification informations on the members, and the online utilizations of the individual members (as referred to FIG. 6C). The situation descriptions are: "On Board, Reading Comics" for Player AAAA; "On Board" for Player BBBB; and "Not Participate in Game" for Player DDDD. For Player DDDD, there may be added the situation description of listening to a music, as listed in FIG. 2 (Sakaguchi, par. 0072 – emphasis added).

[0073] If Player AAAA is thus selected (as referred to FIG. 6C), the chatting function is activated by the knocking of Player AAAA as in the case of Player BBBB, but the communications are not held if the knocking is denied (Sakaguchi, par. 0073).

From a review of the foregoing portions of Sakaguchi, and the remainder of Sakaguchi, Applicant has been unable to discern any portion of Sakaguchi that teaches or suggests **after the signing in, providing the user of the offline game title access to a friends list comprising a name of friends, an online or offline status of each one of the friends, a game each one of the friends is playing, and a voice-enabled status of each one of the friends by displaying a menu generated by the offline game title running on the dedicated gaming console**, as recited in Applicant's claim 41. Instead, Sakaguchi clearly states that his invention "*relates to an online-composite servicing method for providing other services concurrently with the **execution of an***



**online game**” (Sakaguchi, par. 0003 – emphasis added). On the other hand, Applicant’s claim 41 is directed to silent sign in during use of an **offline game title**, and ***providing the user of the offline game title access to a friends list comprising a name of friends, an online or offline status of each one of the friends.*** Accordingly, Applicant respectfully submits that there is no teaching or suggestion in the cited portions of Sakaguchi, or elsewhere in Sakaguchi, of the elements of the above-emphasized clause of Applicant’s claim 41.

Additionally, the Office Action has failed to cite to any prior art that teaches or suggests ***after the signing in, transmitting voice data and other data in data packets between the gaming device and the secure data center, wherein the data packets transmitting voice data are partially encrypted so that the voice data remains unencrypted and the other data is encrypted***, as also recited in Applicant’s claim 41. At page 18, the Office Action asserts that “it would have been obvious to ... transmit voice data and other data as data packets as claimed since it is well known in the art [to] provide voice chat service as indicated by Heredia and provide different types of encryption schemes as supported by Applicant’s Specification”, citing the rejections of claims 12 and 43. In particular, with respect to the rejection of claim 12, the Office Action cites Heredia, FIG. 2, item 210, as teaching the elements of this claim. However, Applicant respectfully notes that with respect to FIG. 2, Heredia merely describes the following:

The first element in the sequence of FIG. 2 comprises voice data 210. Note that this element is shown as occurring first within the frame of data for purposes of illustration only. In practice, each of the data elements may be placed in any particular order (Heredia, col. 5, lines 23-27).

Voice data 210, when transmitted from client A, B, C, or D to server E, may comprise the voice or audio data received from the player's microphone. Server E may mix that voice data with other voice and audio data received from the remaining clients A, B, C, or D. Thus, in the in voice segment 210 of FIG. 2 as transmitted from server E to clients A, B, C, and D, they comprise a mixed data signal for each of players A, B, C, and D. This voice segment 210 may be mixed in a number of ways (Heredia, col. 5, lines 28-37).

For example, the audio signals could just be mixed using predetermined levels to produce a single audio output. In another embodiment, voice segment 210 may be further time division multiplexed to provide separate audio data channels for each of players A, B, C, and D. The use of separate audio channels may be useful in spatial imaging of voice and audio data, as will be explained below (Heredia, col. 5, lines 38-44).

The remaining fields 220, 230, 240, 250 comprise prior art data fields. Fields 220, 230, 240, and 250 are shown by way of illustration only. These data fields may comprise any number of prior art data fields known for transmitting game information. For example, field 220 may comprise three dimensional location information. Field 220 may include location information for a player, if the data is being transmitted from a client A, B, C, or D to server E (Heredia, col. 5, lines 45-52).

From a review of the foregoing portions of Heredia, and the remainder of Heredia, Applicant has been unable to discern any portion of Heredia that teaches or suggests ***after the signing in, transmitting voice data and other data in data packets between the gaming device and the secure data center, wherein the data packets transmitting voice data are partially encrypted so that the voice data remains unencrypted and the other data is encrypted***, as recited in Applicant's claim 41. Instead, Heredia merely describes that "voice data 210, when transmitted from client A, B, C, or D to server E, may comprise the voice or audio data received from the player's microphone" (Heredia, col. 5, lines 28-30). On the other hand, Applicant's claim 41 includes that the data packets transmitting voice data are partially encrypted so that

the voice data remains unencrypted and the other data is encrypted. Accordingly, Applicant respectfully submits that there is no teaching or suggestion in the cited portions of Heredia, or elsewhere in Heredia, of the elements of the above-emphasized clause of Applicant's claim 41.

The other art of record fails to make up for the shortcomings in Sakaguchi and Heredia pointed out above. Applicant has shown above by direct quotation that the cited portions of Sakaguchi and Heredia are very different on their faces from the above-emphasized clauses of Applicant's claim 41. Accordingly, insofar as that the combination of Sakaguchi and Heredia does not teach or suggest at least the above-emphasized clauses of Applicant's claim 41, and insofar as that the Examiner has provided no objectively verifiable evidence as to how Sakaguchi and Heredia could be modified and/or combined to teach at least the above-emphasized clauses of claim 41, Applicant respectfully points out that the documents cited by the Examiner do not establish a *prima facie* case of unpatentability of claim 41.

Furthermore, given that Applicant has shown above what Sakaguchi and Heredia actually recite, Applicant respectfully points out that Applicant's Application is the only objectively verifiable Examiner-cited document of record that discloses what the Examiner purports Sakaguchi and Heredia to disclose. From this, and the express recitations of Sakaguchi and Heredia, as set forth above, it follows that the Examiner is inadvertently interpreting Sakaguchi and Heredia through the lens of Applicant's Application, which is impermissible hindsight. Thus, the Examiner's assertions regarding Sakaguchi and Heredia as teaching Applicant's claim 41 are untenable for at least the foregoing reasons.

In view of the foregoing, Applicant respectfully submits that claim 41 is allowable over Sakaguchi, Aim'3/11/01, Shambroom, Aim'2/2/02, Heredia, Nishiumi, Randall Whitten and/or the other art of record, and is in condition for allowance. Accordingly, for at least the foregoing reasons, Applicant respectfully asks the Examiner to reconsider and withdraw the rejection of claim 41 and issue a Notice of Allowance of same.

Independent Claim 47

Independent claim 47 includes limitations similar to claim 9 discussed above, and is allowable under a similar rationale. Further, Applicant submits that the combination of AIM 3/11/01 with Shambroom does not teach or suggest at least the following additional elements, as recited in independent claim 47 (with emphasis added):

... coupling a controller to the dedicated game console, the controller including a memory unit containing specific account information corresponding to a specific user account of a user of an offline game title;

***following the coupling the controller to the dedicated game console, determining, by the dedicated game console, from the specific account information on the controller whether silent sign-in is enabled for the specific user account on the controller;***

***when automatic sign-in is enabled, silently signing-in the specific user account onto an online service without requiring action by the user of the offline game title during use by the user of the offline game title;***

***after the signing-in, receiving an in-game notification by the user of the offline game title; and***

***switching by the user of the offline game title from an offline game to an online game, wherein the offline game is played by players with access to the dedicated game console and***

***wherein the online game is played against one or more other players online.***

For the reasons discussed above with respect to claim 41, the art of record fails to teach or suggest ***following the coupling the controller to the dedicated game console, determining, by the dedicated game console, from the specific account information on the controller whether silent sign-in is enabled for the specific user account on the controller, or when automatic sign-in is enabled, silently signing-in the specific user account onto an online service without requiring action by the user of the offline game title during use by the user of the offline game title***, as recited in Applicant's claim 47. For example, Sakaguchi clearly describes that his invention "*relates to an online-composite servicing method for providing other services concurrently with the execution of an online game*" (Sakaguchi, par. 0003 – emphasis added). Furthermore, Nishiumi merely describes that the "memory card may store and thereby save data relating to individual achievement by a player and individual, statistical information may be maintained during game play in light of such data" (Nishiumi, col. 10, lines 44-47). Accordingly, Applicant respectfully submits that claim 47 is allowable for the elements of these clauses.

Furthermore, in the rejection of the claim 47, the Office Action fails to address the following clauses: ***after the signing-in, receiving an in-game notification by the user of the offline game title; and switching by the user of the offline game title from an offline game to an online game, wherein the offline game is played by players with access to the dedicated game console and wherein the online game is played against one or more other players online***, as also recited in Applicant's

claim 47. The Office Action fails to cite to any prior art that teaches or suggests these clauses of Applicant's claim 47. Accordingly, Applicant respectfully submits that claim 47 is allowable over the other art of record for these limitations as well.

In view of the foregoing, Applicant respectfully submits that claim 47 is allowable over Sakaguchi, Aim'3/11/01, Shambroom, Aim'2/2/02, Heredia, Nishiumi, Randall Whitten and/or the other art of record, and is in condition for allowance. Applicant respectfully asks the Examiner to withdraw the rejection of claim 47. Accordingly, for at least the foregoing reasons, Applicant respectfully asks the Examiner to hold independent claim 47 allowable and to issue a Notice of Allowance of same.

### **Dependent Claims**

In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

Applicant submits that all pending claims are in condition for allowance.

Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

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Representative for Applicant

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